



MINUTES OF THE COMMON COUNCIL

TUESDAY, OCTOBER 6, 2015, 7:00 P.M.

COUNCIL CHAMBERS

Room 203, City Hall

Roll call: Mayor James J. Schmitt, City Clerk Kris A. Teske, City Attorney James Mueller. Alderpersons: J. Wiezbiskie, Thomas DeWane, A. Nicholson, Tim DeWane, D. Nennig, J. Moore, R. Scannell, C. Wery, M. Steuer, B. Danzinger. Excused: T. Sladek. Tardy: G. Zima.

Pledge of Allegiance.

Mayor Schmitt led the invocation. Moved by Ald. Wiezbiskie, seconded by Ald. Tim DeWane to approve the minutes of the September 15, 2015, meeting. Motion carried.

Moved by Ald. Scannell, seconded by Ald. Wiezbiskie to approve the agenda. Motion carried.

REPORT BY THE MAYOR

The Mayor stated that the next Council meeting will be on October 20, the Joint Personnel/Finance Committee meeting will be on November 3 at tentatively 3:30 P.M. and November 10 will be the Budget/Council meeting.

PUBLIC HEARING

Miscellaneous Ordinance No. 3-15

An ordinance adopting an amendment to the Smart Growth 2022 Comprehensive Plan of the City pertaining to property generally located in the 1500 blocks of East Mason Street and Kimball Street, as well as the 500 block of John Street.

No one appeared.

Moved by Ald. Scannell, seconded by Ald. Moore to suspend the rules for the purpose of adopting the ordinance. Motion carried.

RECOGNITION

Ann Moeller from the Park, Recreation & Forestry Department was recognized for being selected as Wisconsin Outstanding Aquatic Professional of the Year.

PETITIONS & COMMUNICATIONS

FINANCE COMMITTEE

Request by Ald. Steuer to consider a half-time Historic Preservation planning position in the 2016 budget.

LEGAL DEPARTMENT

Request by Ald. Steuer to draft a mandatory Historic Preservation ordinance for the City, with the intent to have Green Bay attain CLG (Certified Local Government) status.

Request by Ald. Steuer to have the Historic Preservation Commission Meeting minutes reported out to City Council for possible action.

PROTECTION & WELFARE COMMITTEE

Appeal by Jerry Lochman to a chronic nuisance charge at 516 Baird Creek Road.

Request by Ald. Nicholson to review animal control policy that deals with trapping animals in the City, with possible action.

TRAFFIC COMMISSION

Requests by Ald. Thomas DeWane for the following:

1. Put a stop sign on Remington Road at Browning Road,
2. Paint a right arrow only at Danz Avenue and Deer Trail,
3. Put a stop sign on Savage Street at Deer Trail,
4. For discussion with possible action, putting speed bumps in these areas.

Moved by Ald. Zima, seconded by Ald. Wiezbiskie to refer the petitions and communication to the appropriate Committee or Commission. Motion carried.

REPORTS FOR COUNCIL ACTION

REPORT OF THE PARK COMMITTEE

October 6, 2015

The Park Committee, having met on Wednesday, September 30, 2015, considered all matters on its agenda and wishes to report and recommend the following:

1. To approve the request by Thrivent Financial to donate \$5,000 towards the purchase of playground woodchips and to provide volunteers to spread them on October 17, 2015, at Navarino Park contingent upon the following:
 - Hold harmless agreements being signed by all participants;
 - \$5,000 of the cost of the woodchips will be the responsibility of Thrivent;
 - All proper permits and insurances being obtained.
2. To approve \$35,000 of additional funding from the Park Bond Paving account for the replacement of the walk at Baird Place and to authorize staff to begin this work prior to City Council approval of the additional funding on October 6, 2015, contingent upon the approvals of the Law Department and Council President based on the urgency of the project and safety concerns.
3. To accept the \$120,000 donation from the Stadium District, to authorize staff to apply for a Wisconsin Coastal Management grant for \$80,000, and to authorize Patrick Engineering to proceed with producing a feasibility and engineering study design as soon as funding becomes available to restore a sand beach and beach amenities at Bay Beach Amusement Park not to exceed \$250,000.
4. To receive and place on file the report of the proposed 2016 Parks, Recreation, & Forestry Department budget.
5. To receive and place on file the Director's Report.

Moved by Ald. Wiezbiskie, seconded by Ald. Scannell to adopt the report. Motion carried.

Report of the Green Bay Plan Commission **October 6, 2015**

The Green Bay Plan Commission, having met on Monday, September 21, 2015, considered all matters on its agenda and wishes to report and recommend the following:

1. To receive and place on file the request from Ald. C. Wery and Ald. G. Zima to create a "Stadium Entertainment District" bordered by Ashland, Lombardi, Oneida and the edge of the City to specifically exclude adult entertainment establishments.
2. To receive and refer to Planning staff the request Ald. G. Zima, on behalf of the Green Bay Legends District Committee, that the City consider naming a presently undesignated access road that runs parallel with Lombardi Avenue, north of the Tundra Lodge and south of Leatherhead Brewing Co., as Jerry Kramer Block in honor of Packer Legend Jerry Kramer.
3. To approve a conditional use permit to allow for the renewal of the St. John the Evangelist Homeless Shelter, a temporary shelter, located at 411 St. John Street, subject to the following conditions:
 - a. A maximum 84-bed temporary emergency homeless shelter located in the former St. John's School gym only, 411 St. John Street (Tax Parcel No. 13-106) through the 2017/18 year/season. Any extension of the use will require Plan Commission and Common Council approval.
 - b. If the temporary emergency facility use at 411 St. John Street is discontinued, the operation is dissolved, or if the Green Bay Catholic Diocese of Green Bay no longer manages the facility, the use shall terminate immediately. The use/operation shall not be renewed or reestablished without the Plan Commission and City Council review and approval.
 - c. At the discretion of the Common Council, Plan Commission, or the Planning Director a review may be required by the Plan Commission and Common Council to ensure compliance with this conditional use permit and identify any areas of concerns with the temporary emergency homeless shelter including but not limited to:
 1. Police calls and other documented safety concerns.
 2. Inadequate facilities.
 - d. The St. John the Evangelist Homeless Shelter staff shall provide reports to the Protection & Welfare Committee detailing those served by the facility as requested by the Committee.
 - e. The St. John the Evangelist Homeless Shelter staff shall meet as necessary with the Navarino Neighborhood Association and the Astor Neighborhood Association to address any concerns of neighbors.
 - f. Sex offenders required to register under §301.45, Wis. Stats., are prohibited from any stay at the facility.
 - g. A mandatory background check for all shelter residents is required.
 - h. St. John the Evangelist Homeless Shelter staff shall maintain a history of residence for the previous three years.
 - i. An operational plan shall be approved by the Community Police and Case Management of the Brown County Human Services Department and implemented by the St. John Homeless Shelter staff for the opening of the temporary emergency homeless shelter facility located at 411 St. John Street.
 - j. Conformance with the submitted operating plan for the St. John the Evangelist Homeless Shelter.

4. To authorize a Conditional Use Permit (CUP) to construct a detached garage beyond the maximum size requirements found in Chapter 13-615, Table 6-4, in a Low Density Residential (R1) District, located at 330 S Jackson Street, subject to the following conditions:
 - a. Compliance with all of the regulations of the Green Bay Municipal Code not covered under the Conditional Use Permit, including standard site plan review and approval.
 - b. Continuance of similar style of architecture, exterior construction material, and color of the structure.
5. To amend the official city map and revise the proposed street pattern for an area generally located north of Finger Road, west of Northview Road, south of Catalina Drive, and east of Erie Road.
6. To declare city property located at 970 Velp Avenue “city surplus” with the following condition:
 - a. Include a 12-ft. wide utility easement along Velp Avenue and also along the alley east of the subject property
7. To review the ordinance that notifies home owners within 200 ft. of a rezoning of City/private property with the recommendation:
 - a. No change to the current zoning petition notification process. For comprehensive plan amendments that are less than 5 acres in size, a notice shall be sent to property owners within 200 ft. of a requested amendment area. For amendment requests greater than 5 acres in size, the Alderman of the District shall be consulted regarding the need for an expanded notice area depending of the scope of the proposed amendment.
8. Information was provided to the Commission regarding the final site plan for Grand Central Station located at 1593 E Mason.

Moved by Ald. Wiezbiskie, seconded by Ald. Steuer to adopt the report. Motion carried.

REPORT OF THE GREEN BAY REDEVELOPMENT AUTHORITY

October 6, 2015

The Green Bay Redevelopment Authority, having met on Tuesday, September 8, 2015, considered all matters on its agenda and wishes to report and recommend the following:

1. To adopt the Tax Increment District Number 18 (TID 18) Boundary and TID 18 Project Plan.

2. To approve Resolution regarding Creation of Tax Increment District Number 18 University Avenue.

Moved by Ald. Thomas DeWane, seconded by Ald. Scannell to adopt the report.
Motion carried.

REPORT OF THE TRAFFIC COMMISSION October 6, 2015

The Traffic Commission having met Monday, September 21, 2015, considered all matters on its agenda and wishes to report and recommends the following:

1. To replace the existing text-only school bus stop warning signs with the symbol-based fluorescent yellow-green background signs on Indian Hill Drive at North Trillium Circle.
2. To trim trees blocking the westbound school bus stop warning sign on Indian Hill Drive at North Trillium Circle.
3. To remove and adopt by ordinance the NO PARKING zone on the south side of Weise Street from a point 125 feet west of Van Buren Street to a point 85 feet east of Van Buren Street.
4. To establish and adopt by ordinance a NO PARKING zone on both sides of Weise Street from Leo Frigo Way to Van Buren Street.

Moved by Ald. Wiezbiskie, seconded by Ald. Tim DeWane to adopt the report. Motion carried.

REPORT OF THE FINANCE COMMITTEE OCTOBER 6, 2015

The Finance Committee having met on Tuesday, September 22, 2015, considered all matters on its agenda and wishes to report and recommend the following:

1. To receive and place on file the 2014 financial results and audit of the City prepared by Schenck.

2. To approve a 3 year contract for cellular data service for the Green Bay Police Department to Cellcom for \$77,472 (annually \$25,824) with two one-year options.
3. Refer to the Law Department to draft a resolution recommending a change be made to the State statute that would legalize speed cameras in State of Wisconsin.
4. Motion to hold the request by Ald. Wery to begin discussions and take public input on how to utilize the approximately \$5.4 million dollars being rebated from excess Stadium tax revenue until State passes the final bill.

2015 Contingency Fund
\$92,220

Moved by Ald. Scannell, seconded by Ald. Wiezbiskie to adopt the report. Motion carried.

**REPORT OF THE
IMPROVEMENT AND SERVICE COMMITTEE
October 6, 2015**

The Improvement and Service Committee, having met on September 30, 2015 considered all matters on its agenda and wishes to report and recommend the following:

1. To approve the request by Mitchell Hyde, owner of Jekyll & Hyde Bar, 226 S. Broadway, to place tables and chairs in front of his business in City right-of-way contingent upon receiving the applicable insurance certificate, executing the required Hold Harmless Agreement, the owner receiving all necessary City approvals and authorize the Mayor and City Clerk to execute the agreement.
2. To approve the request by Lorene Scheelk to rescind the weed control and unsightly growth charge of \$167.10 at 1400-1402 Katers Drive and issue a new invoice for \$83.55.
3. To approve the request by D Muenster to install a temporary rack for merchandise sale in the right-of-way of 207 N. Washington Street contingent upon receiving the applicable insurance certificate, executing the required Hold Harmless Agreement, the owner receiving all necessary City approvals and authorize the Mayor and City Clerk to execute the agreement.
4. To approve the request by Amanda Patterson, owner of Café Madrid, to put tables and chairs in front of her business at 154 N. Broadway contingent upon Department of Public Works staff review and approval, contingent upon receiving

the applicable insurance certificate, executing the required Hold Harmless Agreement, the owner receiving all necessary City approvals and authorize the Mayor and City Clerk to execute the agreement.

5. To approve the request by Green Bay Area Public Schools to enter into a new lease for Lot BE, located under the Mason Street Bridge adjacent to Howe School.
6. To refer to staff with a report due at the first Improvement & Service Committee meeting in January 2016 the request by Ald. Wery to investigate options to allow overnight on-street parking on weekends except during snow emergencies in residential areas.
7. To approve the request by Ald. Zima that the City replace the "carriage walks" which were removed from the terrace ways as part of the street reconstruction project in the 100 block of S. Maple Avenue.
8. To receive and place on file the report of the Traffic Engineer regarding the sidewalk study for North Taylor from Dousman Street to Bond Street and order the installation of approximately 1,020 linear feet of sidewalk on the east side of Taylor Street from Dousman Street north to 412 North Taylor Street.
9. To receive and place on file the report of the Director regarding the proposed Department of Public Works budget for 2016.
10. To approve the request by Department of Public Works to implement a trial period of pay-by-cell for metered parking and to purchase two (2) "Luke" pay stations from the City of Appleton in the total amount of \$16,000.00.
11. To approve the report of the Purchasing Manager:
 - A. To award the purchase of a Monorail Crane System for the DPW West Side Garage from Fox Cities Crane & Fab for \$37,390.
 - B. To award a 5 year contract for elevator maintenance for 2 elevators at the Cherry Street parking ramp to Schindler for \$69,600 (annually \$13,920).
12. To approve the following Temporary Limited Easements (TLE):

HUMBOLDT ROAD (CTH N) CORNELIUS DRIVE TO SPARTAN ROAD
PROJECT ID. # 4987-02-56

Thomas H Brunette
Parcel 2

\$350.00

TLE

13. To approve the application for a Concrete Sidewalk Builder's License by Hooper Custom Concrete LLC.

Moved by Ald. Wiezbiskie, seconded by Ald. Scannell to adopt the report. Motion carried.

PROTECTION & WELFARE COMMITTEE REPORT

October 6, 2015

The Protection & Welfare Committee, having met on Monday, September 28, 2015, considered all matters on the agenda and wishes to report and recommend the following:

1. To approve the application for a "Class A" Cider License by NCG, Inc. at 2292 Manitowoc Road with the approval of the proper authorities.
2. To approve the application for a "Class A" Cider License by Valentine Enterprises, LLC at 612 S. Military Ave. with the approval of the proper authorities.
3. To approve the application for a "Class A" Cider License by Van Zeeland Oil Co. Inc. at 601 N. Military Ave. with the approval of the proper authorities.
4. To approve the request by the owner of Brewski's on Broadway, 1100 S. Broadway, to hold an outdoor event November 22, 2015. The approval of the request is subject to complaint.
5. To approve the notice of the change of agent for Confetti's, Inc. at 217 E. Walnut Street.
6. To receive and place on file the notice of the change of agent for PH Hospitality Group LLC at 1012 S. Taylor Street.
7. To approve the notice of the change of agent for Apple Hospitality Group, LLC at 2420 East Mason Street.
8. To receive and place on file the request by Ald. Scannell to amend Green Bay Municipal Code 1.90(8)(b) to grant ethics board jurisdiction over code of conduct complaints.

Moved by Ald. Wiezbiskie, seconded by Ald. Scannell to adopt the report with the exception of Item #7. Motion carried.

Moved by Ald. Wiezbiskie, seconded by Ald. Zima to refer Item #7 back to the Protection & Welfare Committee. Motion carried.

**REPORT OF THE PROTECTION AND WELFARE COMMITTEE
GRANTING OPERATOR LICENSES**

October 6, 2015

The Protection and Welfare Committee wishes to request that the following applications for Operator Licenses be granted. Stipulations placed on licenses shall continue to be in effect.

OPERATOR LICENSES

Abeyta-Dedecker, Dylan J	Dorner, Nicole S	Laurence, Nicole S
Abnet, Jessica S	Doyle, Lyric B	Le Sage, Collin J
Adams, Sheenah M	Dugan, Jean M	Leeman, Alissa A
Allen, Ray D	Dvorachek, Michael A	Lesandrini, Rachele L
Arras, Tyrel J	Dyce, Kaleanne M	Lewis, La Shonda A
Bacon, Stephanie L	Erickson, Leesa R	Lotz, Rebekah E
Becker, Pamela J	Exferd, Nicole J	Mares, Adrian E
Berens, Joshua A	Galler, Roger H	McFarlane, Jamie A
Beverlin, Jill J	Garsow, Drew R	Menzl, Rebecca R
Blau, Jamie M	Geurts, Amy S	Micolich, Kylie M
Blau, Joshua C	Gille, Jessica M	Moorehead, Chaleigha J
Bloch, Hannah S	Gilson, Darla G	Morgan, Sequoyah M
Bootz, Micah L	Goland, Katie L	Mueller, Gabrielle A
Breutzmann, Andrew R	Greger, Pamela L	Mullens, Danielle S
Broeders, Brittany R	Hanley, John P	Mulvey, Alexander R
Brosig, Elizabeth L	Hanlin, Taylor J	Nackers, Mary Anne
Burkart, Rhea L	Harrell, Holly J	Ness, Dianne M
Chamberlain, John R	Harrell, Renee L	Nichols, Amy M
Clover, Lyndsey N	Hightower, Autumn N	Niemi, Matthew W
Collins, Suzanne N	Hoffmann, Sabrina M	O'Connor, Kathleen K
Cooper, Evan D	Holl, Dane M	Oshefsky, Necole L
Corrigan, Tammy L	Huguet, Phillip W	Parker, Rebecca L
Cropsey, Kyle M	Hurning, Tyler L	Pemberton, Morgan M
Darling, Jackie A	Ives, Timothy D	Persson, Debbie J
Daul Jr., James P	Jakimczyk, John W	Petersen, Caitlin M
Davis, Peggy L	Jones, Christopher T	Prichard, Ashley M
Day, Dennis R	Jordan, Michael G	Rahmani, Kamran
DeGroot, Jeffrey A	Klapper, Ryan C	Rankel, Stephanie M
Delmont, Jacob D	Koetz, Jennifer L	Reitan, Erik O
Dischler, Douglas J	Kurey, Ronald G	Reynolds, Lori J
Domke, Melissa A	Lancelle, Julie M	Rihn, Stacy S

Riley, Jurvess N
Robertson, Stephen J
Rodriguez, Bethany R
Russett, Joseph GS
Sakkinen, Vayda E
Sandoval, Andrea E
Sausen, Eric J
Schmunck, Samantha L
Schroeder, Aaron T
Schroepfer, Brian G
Schultz, Scott D
Schwittay, Dawn M
Smits, Troy J
Snow, Jodi L
Souza, Julie A
Stenli, Sonja E
Sterry, Danielle M
Sutrick, Christine R
Swartz, Kayla J
Swisher, Brittany M
Thiry, Pamela J
Thrun, Tracy N
Timm, Amber M
Torreano, Hannah R
Turner, Vaughan D
Umentum, Kathleen S
Van Haveren, Maxwell J
Vanden Busch, Kim M
Vanevenhoven, Joseph R
VanLaanen, Shannon
Varinder, Sinah
Visger, Jeremy T
Visger, Robin K
Vollmer, Nicholas M
Watt, Cheri L
Weber, Todd D
Westrich, Justine A
Wexter, Connor J
Wiebe, Lindsay R

Zellner, William D
Ziganshin, Askar A

Moved by Ald. Wiezbiskie, seconded by Ald. Tim DeWane to adopt the report. Motion carried with Ald. Danzinger abstaining on the approval of Hannah S. Bloch, Lyndsey N. Clover, Rebekah E. Lotz, Mary Anne Nackers, and Kim M. VandenBusch.

RECEIVE & PLACE ON FILE

Account Trial Balances for July and August, 2015.

Check Reconciliation Register for August, 2015.

Building Permit Report for September, 2015.

Moved by Ald. Scannell, seconded by Ald. Wiezbiskie to receive the matters and place them on file. Motion carried.

RESOLUTIONS

Moved by Ald. Scannell, seconded by Ald. Moore to suspend the rules for the purpose of adopting all of the resolutions with one roll call vote. Motion carried.

FINAL PAYMENTS RESOLUTION October 6, 2015

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

That the City Clerk be and is hereby instructed to draw FINAL ORDERS in favor of the following contractors for their projects in the amounts listed as follows:

1. PARKS PROJECT 3-14	
Ed Gersek, Inc.	
TOTAL AMOUNT EARNED:	\$ 257,525.79
LESS AMOUNT RETAINED:	<u>\$ 0.00</u>
	\$ 257,525.79
LESS AMOUNT PREVIOUSLY PAID:	<u>\$ 246,173.27</u>
AMOUNT DUE THIS ESTIMATE:	\$ 11,352.52

ACCOUNT NUMBERS

410600-53001-99604: \$11,352.52
PO #1400023

Adopted October 6, 2015

Approved October 7, 2015

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
City Clerk

Moved by Ald. Zima, seconded by Ald. Wiezbiskie to adopt the resolution.
Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Zima, Steuer, Danzinger. Noes: None. Motion carried.

**RESOLUTION APPROVING
TEMPORARY LIMITED EASEMENT (TLE)
HUMBOLDT ROAD
October 6, 2015**

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

To approve the following Temporary Limited Easements (TLE):

HUMBOLDT ROAD (CTH N) CORNELIUS DRIVE TO SPARTAN ROAD
PROJECT ID. # 4987-02-56

Thomas H Brunette	\$350.00	TLE
Parcel 2		

Adopted October 6, 2015

Approved October 7, 2015

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
City Clerk

Moved by Ald. Zima, seconded by Ald. Wiezbiskie to adopt the resolution.
Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Zima, Steuer, Danzinger. Noes: None. Motion carried.

**RESOLUTION AUTHORIZING SALE OF
SURPLUS PROPERTY AT 970 VELP AVENUE
(SP 15-01)**

October 6, 2015

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

That the Mayor and Clerk are hereby authorized to execute a deed to John C. Keegan for the following-described surplus property located at 970 Velp Avenue in the City of Green Bay, Brown County, Wisconsin, for the sale price of \$150.00:

That part of Lot Three (3) of Whitney's Subdivision of Laventure Claim, City of Green Bay, Brown County, Wisconsin, described as follows: Beginning at point where the Westerly line of the Westerly alley in E.A. Neufeld's Plat Number One (1) intersects the Northeasterly line of Velp Avenue; thence North 25° 59.2' East along the westerly line of said alley 100 feet; thence North 64° 00.9' West 95.98 feet; thence South 55° 47.3' West 39.06 feet to a point on the Northeasterly line of Velp Avenue, said point being 133 feet from the point of beginning measuring along Velp Avenue; thence Southeasterly along the Northeasterly line of Velp Avenue, to the point of beginning. Excepting that part described as Parcel 78 of Transportation Project Plat 1450-04-21-4.07, recorded as Document Number 2447889, and Correction Affidavit recorded as Document Number

2450046, in Brown County, Wisconsin. (Tax Parcel Number: 18-756-C-4)

The sale of said surplus property shall be subject to:

1. The retention of Wisconsin Public Service's 12-foot wide utility easement along Velp Avenue and along the alley east of the subject property.

2. The subject property shall be attached to and become part of 980 Velp Avenue, Tax Parcel Number 18-756-C-1.

Adopted October 6, 2015

Approved October 7, 2015

James J. Schmitt
Mayor

Kris A. Teske
Clerk

Moved by Ald. Zima, seconded by Ald. Wiezbiskie to adopt the resolution.

Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Zima, Steuer, Danzinger. Noes: None. Motion carried.

**RESOLUTION APPROVING CREATION OF
TAX INCREMENT FINANCE DISTRICT
NUMBER 18: UNIVERSITY AVENUE,
AND ADOPTION OF PROJECT PLAN**

October 6, 2015

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY:

WHEREAS, the City of Green Bay *Comprehensive Plan* identifies the University Avenue corridor as an area not achieving its highest and best land use based on economic conditions; and

WHEREAS, the creation of a Tax Increment Finance District provides a mechanism to overcome challenges associated with blighted parcels that deter private investment and the additional costs associated with rehabilitation and remediation; and

WHEREAS, the Common Council designated the Redevelopment Authority of the City of Green Bay (herein "RDA") to perform all acts necessary for the creation of Tax Increment Finance District Number 18: University Avenue (herein "TID 18"), on February 19, 2015; and

WHEREAS, in accordance with Wis. Stats. §66.1105:

a. The RDA held a public hearing on the proposed creation of TID 18 on September 8, 2015, in which interested parties were afforded reasonable opportunity to express their views on the proposed Project Plan; and

b. A copy of the notice was sent by first class mail to the chief executive officer of Brown County, the Green Bay Area School District, and Northeast Wisconsin Technical College prior to publication of notice of said public hearing; and

c. Owners of property identified by the Project Plan as in need of rehabilitation or conservation work received by first class certified mail notice of the public hearing and said identification of property prior to publication of notice of said public hearing; and

d. The Project Plan was posted on the City website and a hard copy was made available for public review in Room 200 of City Hall prior to publication of notice of said public hearing; and

e. A notice of said public hearing was published in the *Green Bay Press Gazette* on August 25, 2015 and September 1, 2015; and

WHEREAS, the Project Plan, meets all of the requirements of Wis. Stats. §66.1105, to wit:

a. A statement listing the kind, number and location of all proposed public works or improvements within TID 18 and those located outside of TID 18; and

b. An economic feasibility study; and

c. A detailed list of estimated project costs; and

d. A description of the methods of financing all estimated project costs and the time when such costs or obligations related thereto are to be incurred; and

e. A map showing existing uses and conditions of real property within TID 18; and

f. A map showing proposed improvements and uses in TID 18; and

g. Statements indicating proposed changes in zoning ordinances, master plan, official map, building codes and city ordinances, if any; and

h. A list of estimated non-project costs; and

i. A statement relating to the proposed method for the relocation of any persons to be displaced;

j. A statement indicating how creation of TID 18 promotes the orderly development of the city; and

k. An opinion of the City Attorney that the Project Plan is complete and complies with Wis. Stats. §66.1105; and

WHEREAS, the RDA makes the following findings as required by Wis. Stats. §66.1105:

a. That “but for” the creation of TID 18, the development projected to occur as detailed in this Plan would not occur in the manner desired by the City because of challenges associated with:

i. additional costs associated with environmental cleanup and remediation; and

ii. additional costs associated with the rehabilitation of existing structures and parcels; and

iii. blighted parcels that deter private investment; and

iv. a lack of facilities that accommodate pedestrian and bicycle users; and

b. The equalized value of taxable property of TID 18 plus the value increment of all existing tax increment districts does not exceed twelve percent (12%) of the total equalized value of taxable property within the municipality; and

c. 66.79%, by area (103.61 of the 155.12 total acres), of the real property within TID 18 is in need of rehabilitation or conservation work, thereby exceeding the fifty percent (50%) threshold as defined in Wis. Stats. §66.1337 (2m)(b); and

d. The proposed activities in this Plan are in concurrence with Wis. Stats. §66.1337, which enable the City to conduct specific activities in a rehabilitation or conservation district; including:

i. a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements; and

ii. acquisition of real property and demolition, removal or rehabilitation of buildings and improvements on the property where necessary to eliminate unhealthful, unsanitary or unsafe conditions, lessen density, reduce traffic hazards, eliminate obsolete or other uses detrimental to the public welfare, to otherwise remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities; and

iii. installation, construction or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out an urban renewal project; and

iv. the disposition, for uses in accordance with the objectives of the urban renewal project, of any property acquired in the area of the project; and

e. The project costs in this Plan relate directly to rehabilitating or conserving parcels within TID 18 consistent with the purpose for which the District is created; and

f. The economic benefits of TID 18, as measured by increased property value, employment, and (business and personal) income, more than compensate for the cost of the improvements; and

g. The benefits of the proposal are greater than the anticipated tax increments to be paid by property owners in overlying taxing jurisdictions; and

h. The improvement of the area is likely to enhance significantly the value of substantially all of the other real property in TID 18; and

i. The TID 18 Project Plan is feasible and in conformity with the *City Comprehensive Plan*; and

j. The City Attorney has signed an opinion (located in Appendix A) advising that this Project Plan is complete and complies with the law.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Green Bay Wisconsin hereby creates Tax Increment Finance District Number 18: University Avenue Project Plan on January 1, 2016, and adopts the Project Plan.

Adopted October 6, 2015

Approved October 7, 2015

James J. Schmitt
Mayor

Kris A. Teske
Clerk

(Tax Increment District #18 Project Plan on file in the City Clerk's Office)

Moved by Ald. Zima, seconded by Ald. Wiezbiskie to adopt the resolution.

Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Zima, Steuer, Danzinger. Noes: None. Motion carried.

**RESOLUTION APPROVING
HOLD HARMLESS AGREEMENT
JEKYLL & HYDE BAR, 226 S BROADWAY
TO PLACE TABLES & CHAIRS IN FRONT OF BUSINESS
October 6, 2015**

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

To approve the request by Mitchell Hyde, owner of Jekyll & Hyde Bar, 226 S. Broadway, to place tables and chairs in front of his business in City right-of-way contingent upon receiving the applicable insurance certificate, executing the required Hold Harmless Agreement, the owner receiving all necessary City approvals and authorize the Mayor and City Clerk to execute the agreement.

Adopted October 6, 2015

Approved October 7, 2015

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
City Clerk

Moved by Ald. Zima, seconded by Ald. Wiezbiskie to adopt the resolution.

Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Zima, Steuer, Danzinger. Noes: None. Motion carried.

**RESOLUTION APPROVING
HOLD HARMLESS AGREEMENT
207 N WASHINGTON ST
TO INSTALL A TEMPORARY RACK FOR MERCHANDISE
October 6, 2015**

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

To approve the request by D Muenster to install a temporary rack for merchandise sale in the right-of-way of 207 N. Washington Street contingent upon receiving the applicable insurance certificate, executing the required Hold Harmless Agreement, the owner receiving all necessary City approvals and authorize the Mayor and City Clerk to execute the agreement.

Adopted October 6, 2015

Approved October 7, 2015

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
City Clerk

Moved by Ald. Zima, seconded by Ald. Wiezbiskie to adopt the resolution.

Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Zima, Steuer, Danzinger. Noes: None. Motion carried.

**RESOLUTION APPROVING
HOLD HARMLESS AGREEMENT
CAFÉ MADRID, 154 N BROADWAY
TO PLACE TABLES & CHAIRS IN FRONT OF BUSINESS
October 6, 2015**

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

To approve the request by Amanda Patterson, owner of Café Madrid, to put tables and chairs in front of her business at 154 N. Broadway contingent upon Department of Public Works staff review and approval, contingent upon receiving the applicable insurance certificate, executing the required Hold Harmless Agreement, the owner receiving all necessary City approvals and authorize the Mayor and City Clerk to execute the agreement.

Adopted October 6, 2015

Approved October 7, 2015

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
City Clerk

Moved by Ald. Zima, seconded by Ald. Wiezbiskie to adopt the resolution.

Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Zima, Steuer, Danzinger. Noes: None. Motion carried.

**RESOLUTION IN SUPPORT OF AND
RECOGNITION OF THE GREEN BAY METRO
FIRE DEPARTMENT'S CLASS 1 COMMUNITY RATING**

October 6, 2015

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY:

WHEREAS, the Green Bay Metro Fire Department has recently been upgraded to a Class 1 Community by the Insurance Service Office (ISO); and

WHEREAS, the ISO evaluates a community's fire protection services, including: fire department staffing, fire department activities, training, water supply, and communications; and

WHEREAS, the Class 1 Community rating indicates that the Green Bay Metro Fire Department provides superior fire protection; and

WHEREAS, Green Bay is the first and only city in the State of Wisconsin to achieve a Class 1 rating and is one of only 132 cities in the United States that are rated Class 1; and

WHEREAS, there are 48,855 fire departments in the United States that the ISO grades, and the Green Bay Metro Fire Department is now in the top .3%; and

WHEREAS, a Class 1 Community rating will assist insurance companies in setting premium rates, and a Class 1 Community rating will benefit the citizens of the City of Green Bay in providing them an overall lower property insurance premium.

NOW, THEREFORE, BE IT RESOLVED that the City of Green Bay hereby recognizes and congratulates the Green Bay Metro Fire Department's hard work and dedication to fire protection services for the City of Green Bay and its efforts in achieving a Class 1 Community rating.

Adopted October 6, 2015

Approved October 7, 2015

James J. Schmitt
Mayor

Kris A. Teske
Clerk

Moved by Ald. Zima, seconded by Ald. Wiezbiskie to adopt the resolution.

Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Zima, Steuer, Danzinger. Noes: None. Motion carried.

**RESOLUTION AUTHORIZING RENEWAL
OF THE CONDITIONAL-USE APPROVAL
AT 411 ST. JOHN STREET FOR THE
ST. JOHN THE EVANGELIST TEMPORARY
HOMELESS SHELTER
(ZP 15-15)**

October 6, 2015

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

That, pursuant to Zoning Petition 15-15 and the recommendation of the Plan Commission on September 21, 2015, the City of Green Bay does authorize renewal of the conditional-use permit to allow for a temporary homeless shelter located on the following described property at 411 St. John Street:

Lots 4, 5, 6, 7, 8, 9, 10, 11, and 12, Block 22,
Plat of Astor (Tax Parcel No.13-106)

Said renewed conditional-use permit shall be granted subject to the following conditions:

a. A maximum 84-bed temporary emergency homeless shelter located in the former St. John's School gym only, 411 St. John Street (Tax Parcel No. 13-106) through the 2017/18 year/season (season is defined as November 1st – April 30th). Any extension of the use will require Plan Commission and Common Council approval.

b. If the temporary emergency facility use at 411 St. John Street is discontinued, the operation is dissolved, or if the Green Bay Catholic Diocese of Green Bay no longer manages the facility, the use shall terminate immediately. The use/operation shall not be renewed or reestablished without the Plan Commission and Common Council review and approval.

c. At the discretion of the Common Council, Plan Commission, or the Planning Director, a review may be required by the Plan Commission and Common Council to ensure compliance with this conditional-use permit and identify any areas of concerns with the temporary emergency homeless shelter including but not limited to:

1. Police calls and other documented safety concerns.
2. Inadequate facilities.

d. The St. John the Evangelist Homeless Shelter staff shall provide reports to the Protection & Welfare Committee detailing those served by the facility as requested by the Committee.

e. The St. John the Evangelist Homeless Shelter staff shall meet as necessary with the Navarino Neighborhood Association and the Astor Neighborhood Association to address any concerns of neighbors.

f. Sex offenders required to register under §301.45, Wis. Stats., are prohibited from any stay at the facility.

g. A mandatory background check for all shelter residents is required.

h. St. John the Evangelist Homeless Shelter staff shall maintain a history of residents for the previous three years.

i. An operational plan shall be approved by the Community Police and Case Management of the Brown County Human Services Department and implemented by the St. John Homeless Shelter staff for the opening of the temporary emergency homeless shelter facility located at 411 St. John Street.

j. Conformance with the submitted operating plan for the St. John the Evangelist Homeless Shelter.

Adopted October 6, 2015

Approved October 7, 2015

James J. Schmitt
Mayor

Kris A. Teske
Clerk

Moved by Ald. Zima, seconded by Ald. Wiezbiskie to adopt the resolution.

Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Zima, Steuer, Danzinger. Noes: None. Motion carried.

**RESOLUTION AUTHORIZING CONDITIONAL-USE
APPROVAL AT 330 SOUTH JACKSON STREET
(ZP 15-16)**

October 6, 2015

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

That, pursuant to Zoning Petition 15-16 and the recommendation of the Plan Commission on September 21, 2015, the City of Green Bay does authorize a conditional-use permit to allow for the construction of a detached garage beyond the maximum size requirements found in Ch. 13-615, Table 6-4, in a Low Density Residential (R1) District located on the following described property at 330 South Jackson Street:

Lot 6, Block 42, Plat of Astor (Tax Parcel Number 14-478)

Said conditional-use permit shall be granted subject to the following conditions:

- a. Compliance with all of the regulations of the Green Bay Municipal Code not covered under the conditional-use permit, including standard site plan review and approval.
- b. Continuance of similar style of architecture, exterior construction material, and color of structure.

Adopted October 6, 2015

Approved October 7, 2015

James J. Schmitt
Mayor

Kris A. Teske
Clerk

Moved by Ald. Zima, seconded by Ald. Wiezbiskie to adopt the resolution.

Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Zima, Steuer, Danzinger. Noes: None. Motion carried.

**RESOLUTION ACCEPTING STREETS FOR CONCRETE PAVEMENT,
ASPHALT PAVEMENT OR ASPHALT RESURFACING
October 6, 2015**

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

That the Director of Public Works has reported on and recommends the acceptance of the following streets for concrete pavement, asphalt pavement or asphalt resurfacing.

RESURFACING 1-15

**KENNEDY COURT - Kennedy Drive to cul-de-sac south
KENNEDY DRIVE - 230' W of Careful Court to Wiesner Street
VAN OSS COURT - Kennedy Drive to cul-de-sac south
DIVISION STREET- Platten Street to Fisk Street
ADMIRAL COURT - Fisk Street to cul-de-sac east
MT CAROL DRIVE - St Charles Drive to Mt Mary Drive
MT MARY DRIVE - Humboldt Road to St Anthony Drive
ST ANTHONY DRIVE - 230' E of Mt Mary Drive to Curry Lane**

NOW, THEREFORE, BE IT RESOLVED, that the above streets be and are hereby accepted and that the City Clerk be and is hereby instructed to issue statements against the abutting property in accordance with the final resolutions and the final assessments on file.

Adopted October 6, 2015

Approved October 7, 2015

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
City Clerk

Moved by Ald. Zima, seconded by Ald. Wiezbiskie to adopt the resolution.

Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Zima, Steuer, Danzinger. Noes: None. Motion carried.

ORDINANCE - FIRST READING

PLANNING ORDINANCE NO. 2-15

**AN ORDINANCE
AMENDING THE OFFICIAL MAP OF THE
CITY OF GREEN BAY TO REVISE THE
PROPOSED STREET PATTERN FOR AN AREA
GENERALLY LOCATED NORTH OF FINGER ROAD,
WEST OF NORTHVIEW ROAD, SOUTH OF CATALINA DRIVE,
AND EAST OF ERIE ROAD
(OMA 15-01)**

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS
FOLLOWS:

SECTION 1. The Official Map of the City of Green Bay, as created by Section 12.02, Green Bay Municipal Code, is hereby amended by revising the proposed street pattern for an area generally located north of Finger Road, west of Northview Road, south of Catalina Drive, and east of Erie Road, as depicted on a map attached hereto and made a part of this ordinance as though fully set forth herein.

SECTION 2. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall not take effect until a public hearing is held thereon as provided by Section 12.03, Green Bay Municipal Code, and the adoption and publication of this ordinance.

Dated at Green Bay, Wisconsin, this _____ day of _____, 2015.

APPROVED:

Mayor

ATTEST:

Clerk

**LEGAL DESCRIPTION
PLANNING ORDINANCE NO. 2-15**

BEGINNING AT THE WEST 1/4 CORNER OF SECTION 1, T23N-R21E;
THENCE N00°26'02"E, 635.02 FEET ALONG THE WEST LINE OF THE SW1/4–
NW1/4 OF SAID SECTION 1, THENCE S89°32'54"E, 983.85 FEET; THENCE
N00°26'04"E, 690.00 FEET; THENCE S89°32'54"E, 1,664.20 FEET; THENCE
S00°07'58"W, 1,079.77 FEET; THENCE S89°46'12"E, 400.00 FEET; THENCE
N00°08'01"E, 180.00 FEET; THENCE N89°46'07"W, 100.00 FEET; THENCE
N00°09'51"W, 239.43 FEET; THENCE N81°16'35"E, 552.07 FEET; THENCE
N08°43'25"W, 253.00 FEET; THENCE N89°45'35"E, 524.42 FEET; THENCE
S00°00'09"W, 994.57 FEET; THENCE S00°04'03"E, 1,770.48 FEET; THENCE
S89°55'51"W, 1,004.06 FEET; THENCE N00°07'58"E, 434.18 FEET; THENCE
S89°55'51"W, 334.10 FEET; THENCE S00°07'58"W, 916.33 FEET; THENCE
N89°32'54"W, 604.18 FEET; THENCE S00°05'12"W, 371.43 FEET; THENCE
N87°22'26"W, 303.29 FEET; THENCE N00°07'04"E, 329.98 FEET; THENCE
N89°05'24"W, 169.93 FEET; THENCE S00°07'04"W, 329.98 FEET; THENCE
N87°23'43"W, 251.57 FEET; THENCE N00°28'38"E, 305.90 FEET; THENCE
N88°04'59"W, 287.60 FEET; THENCE N08°57'38"W, 465.99 FEET; THENCE
N77°25'18"W, 248.99 FEET; THENCE S29°15'01"E, 163.87 FEET; THENCE
65.32 FEET ALONG THE ARC OF A 55 FOOT RADIUS CURVE TO THE LEFT
WHOSE LONG CHORD BEARS S26°43'13"W, 61.53 FEET; THENCE
N78°53'21"W, 382.13 FEET; THENCE 129.88 FEET ALONG THE ARC OF A 55
FOOT RADIUS CURVE TO THE LEFT WHOSE LONG CHORD BEARS
N52°44'23"W, 101.74 FEET; THENCE N30°23'35"W, 180.30 FEET; THENCE
N15°59'51"W, 397.37 FEET; THENCE N88°55'28"W, 119.75 FEET TO THE
WEST LINE OF THE NW1/4–SW1/4 OF SECTION 1, T23N- R21E; THENCE
N00°06'09"E, 1,304.09 FEET ALONG SAID LINE TO THE POINT OF
BEGINNING.

Tax Parcel Numbers: 21-10, 21-11, 21-11-1, 21-12, 21-12-1, 21-13-1, 21-16-1-5, 21-17, 21-20, 21-21-A, 21-4

Moved by Ald. Scannell, seconded by Ald. Tim DeWane to suspend the rules for the purpose of advancing the ordinance to the third reading. Motion carried.

Moved by Ald. Scannell, seconded by Ald. Wiezbiskie to advance the ordinance to the third reading. Motion carried.

GENERAL ORDINANCE NO. 20-15

AN ORDINANCE AMENDING SECTION 1.90(8)(b), GREEN BAY MUNICIPAL CODE, RELATING TO THE JURISDICTION OF THE ETHICS BOARD

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 1.90(8)(b), Green Bay Municipal Code, is hereby amended to read:

1.90 **CODE OF ETHICS.**

(8) ETHICS BOARD.

(b) The jurisdiction of the Ethics Board is limited to acting within the scope of subs. (8)(d) and (9) of this code **and conducting hearings regarding complaints filed in conformance with the Code of Conduct for Elected Officials as adopted by the Common Council and as amended from time to time.**

SECTION 2. All ordinances or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this _____ day of _____, 2015.

APPROVED:

Mayor

ATTEST:

Clerk

Moved by Ald. Thomas DeWane, seconded by Ald. Steuer to hold the ordinance.

Roll call: Ayes: Wiezbiskie, Tim DeWane, Moore, Scannell, Danzinger. Noes: Thomas DeWane, Nicholson, Nennig, Wery, Zima, Steuer. Motion failed.

Moved by Ald. Zima, seconded by Ald. Wery to receive the ordinance and place it on file.

Roll call: Ayes: Thomas DeWane, Nicholson, Tim DeWane, Scannell, Wery, Zima, Steuer. Noes: Wiezbiskie, Nennig, Moore, Danzinger. Motion carried.

ORDINANCES - THIRD READING

Moved by Ald. Wiezbiskie, seconded by Ald. Scannell to suspend the rules for the purpose of adopting the general ordinances with one roll call vote. Motion carried.

GENERAL ORDINANCE NO. 18-15

AN ORDINANCE AMENDING SECTION 29.208, GREEN BAY MUNICIPAL CODE, RELATING TO PARKING REGULATIONS

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 29.208, Green Bay Municipal Code, is hereby amended by adding thereto the following PERMIT PARKING ONLY 7:00 AM – 5:00 PM MONDAY – FRIDAY zone:

NORTHLAND AVENUE, south side, from a point 140 feet west of Adams Street to a point 50 feet west of Adams Street

SECTION 2. Section 29.208, Green Bay Municipal Code, is hereby amended by adding thereto the following NO STOPPING OR STANDING zone:

NORTH FISK STREET, west side, from a point 95 feet south of Dousman Street to Dousman Street

SECTION 3. Section 29.208, Green Bay Municipal Code, is hereby amended by adding thereto the following NO PARKING zone:

HAZEL STREET, west side, from Christiana Street to a point 50 feet north of Christiana Street

SECTION 4. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 5. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this 6th day of October, 2015.

APPROVED:

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Scannell to adopt the ordinance.
Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Zima, Steuer, Danzinger. Noes: None. Motion carried.

GENERAL ORDINANCE NO. 19-15

AN ORDINANCE AMENDING SECTION 6.21, GREEN BAY MUNICIPAL CODE, RELATING TO PUBLIC VEHICLE LICENSING

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1: Section 6.21, Green Bay Municipal Code, amended as follows:

6.21 TAXICAB LICENSING PUBLIC VEHICLE LICENSING

(1) DEFINITIONS

- (a) "Applicant" means the individual applying for a license under this section or any person who is an officer of a corporation that is applying for a license under this section.
- (b) "Public Vehicle" means any vehicle held for public hire by charging a monetary fee on a per ride, time, or distance basis to carry passengers to designations without following any fixed routes. A public vehicle shall include,

but is not limited to: taxicabs, limousines, horse and horse drawn carriages, pedicabs, shuttles, bar and party busses, motorcycles used for tours, and human service vehicles, but does not include any of the following:

1. Vehicles operated primarily as funeral cars,
2. Vehicles operated by city, state or federal governments,
3. Vehicles operated primarily as ambulances,
4. Vehicles operated primarily for transporting property,
5. Commercial motor vehicles.

~~(b) "Taxicab" means a vehicle held for public hire by charging a monetary fee on a per ride, time, or distance basis to carry passengers to designations without following any fixed routes, but does not include any of the following:~~

- ~~1. Vehicles operated primarily as funeral cars.~~
- ~~2. Vehicles operated by city, state or federal governments.~~
- ~~3. Vehicles operated primarily as ambulances.~~
- ~~4. Vehicles operated primarily for transporting property.~~
- ~~5. Commercial motor vehicles~~

~~(c) "Taxicab Public Vehicle Business" means any enterprise that owns a taxicab public vehicle or manages the operation of a taxicab public vehicle.~~

~~(d) "Public Vehicle Operator" means any person who operates a vehicle or vehicles which transport passengers for hire or compensation, except vehicles operated solely as those exempted under Section 6.21(b), Green Bay Municipal Code.~~

(2) LICENSES REQUIRED

(a) Business License. No person may engage in a ~~taxicab~~ public vehicle business unless each ~~taxicab~~ public vehicle used in the business is licensed. A ~~taxicab~~ public vehicle business license shall expire on ~~July 1~~ December 31 of each year.

(b) OPERATOR'S LICENSE. No person may operate a vehicle for ~~taxicab~~ public vehicle purposes upon a highway unless the person is licensed as a ~~taxicab~~ public vehicle operator. A ~~taxicab~~ public vehicle operator's license shall expire on ~~July 1~~ May 31 of each year.

(3) BUSINESS LICENSE APPLICATION PROCESS

(a) Application. A person wishing to obtain a ~~taxicab~~ public vehicle business license shall apply to the city clerk upon an approved form and pay to the clerk ~~the proper a \$25.00~~ license fee for each ~~taxicab~~ public vehicle managed by the person. The clerk shall forward the application to the police department for review. ~~If the police department approves the application, the clerk shall~~

~~place the application upon the next available Protection & Welfare Committee meeting for consideration.~~ The police department shall deny the application if any of the following applies:

1. The circumstances of a pending criminal charge against the applicant substantially relate to the licensed activity,
 2. The applicant has been convicted of any felony, misdemeanor or other offense, the circumstances of which substantially relate to the circumstances of the particular job or licensed activity,
 3. The applicant made a false statement on the application,
 4. The applicant is under eighteen (18) years old.
- (b) Appeal. If the police department denies an application for a business license, the applicant may appeal within fifteen (15) days after the ~~clerk~~ police department mails a notice of denial to the applicant. If the applicant files a timely appeal with the clerk, the clerk shall schedule an appeal hearing before the Protection & Welfare Committee.
- (c) Hearing Before Committee. The Committee may approve any application placed on its agenda only if the applicant is qualified under this section and may place conditions upon approval. The common council shall affirm, reverse or modify the committee decision.
- (d) Issuance. The clerk shall issue the ~~taxicab~~ public vehicle business license if the applicant has been approved by the common council and has satisfied all other provisions of this section.
- (e) Vehicle Inspection. Before a ~~taxicab~~ public vehicle business may operate a ~~taxicab~~ public vehicle on a highway, the ~~taxicab~~ public vehicle shall obtain a license sticker from the police department by passing an inspection. The police department shall collect \$25 for each motor vehicle inspection, ~~and \$10 for inspecting any other vehicle.~~ This paragraph does not apply to a vehicle owned or operated by:
1. A nonprofit corporation that provides to the police department proof that the vehicle passed a state vehicle inspection,
 2. An organization which is exempt from federal income tax under IRC § 501(c)(3) that provides to the police department proof that the vehicle passed a state vehicle inspection.
- (f) Insurance. Every public vehicle shall be covered by liability insurance coverage containing limits of liability of not less than \$500,000 per occurrence

combined single limit bodily injury and property damage, issued by a company authorized to do business in the State of Wisconsin. A certificate of insurance coverage specific to each vehicle shall be filed with the Risk Management Division.

(g) Police Department Review. The police department shall affix a license sticker to the rear of each inspected vehicle if the department determines that the vehicle is:

1. Licensed with the city clerk,
2. In a safe operating condition,
3. Registered pursuant to Wis. Stat. Ch. 341,
4. Insured as required by ~~Wis. Stat. § 344.15(1)~~ this subchapter,
5. Conspicuously displaying on the exterior driver and passenger side of the vehicle:
 - a. The name or trade name of the ~~taxicab~~ public vehicle business,
 - b. The phone number of the ~~taxicab~~ public vehicle business,
 - c. A unique number assigned by the ~~taxicab~~ public vehicle business that identifies the particular vehicle.
 - d. ~~All rates or fees charged to passengers~~
6. Conspicuously displaying within the front passenger compartment:
 - a. A display holder within which ~~taxicab~~ public vehicle operators can show their licenses while operating the ~~taxicab~~ public vehicle,
 - b. All rates or fees charged to passengers.

(4) OPERATOR'S LICENSE APPLICATION PROCESS

(a) APPLICATION. A person wishing to obtain a ~~taxicab~~ public vehicle operator's license shall apply to the city clerk upon a common council approved form and pay to the clerk the proper license fee and submit an acceptable passport-sized photo. The clerk shall forward the application to the police department for review. If the police department approves the application, it shall forward its recommendation to the clerk. The police department shall deny the application if any of the following applies:

1. The circumstances of a pending criminal charge against the applicant substantially relate to the licensed activity,
2. The applicant has been convicted of any felony, misdemeanor or other offense the circumstances of which substantially relate to the circumstances of the particular job or licensed activity,
3. The applicant made a false statement on the application,
4. The applicant is under eighteen (18) years old.

~~(b) HOSPITALITY TRAINING. Prior to issuance of a permanent operator's license an applicant must complete a hospitality training course which has been approved by the City of Green Bay and evidenced by a certificate of~~

~~completion. The hospitality training course shall be provided free of charge to the licensee.~~

(eb) Appeal. If the police department denies an application for an operator's license, the applicant may appeal within fifteen (15) days after the clerk ~~police department~~ mails a notice of denial to the applicant. If the applicant files a timely appeal with the clerk, the clerk shall schedule an appeal hearing before the Protection & Welfare Committee. The Committee shall approve the application only if the applicant is qualified under this section and may place conditions upon approval. The common council shall affirm, reverse or modify the committee decision.

(dc) Issuance. The clerk shall issue a public vehicle operator's license if the applicant has been approved by the police department or the common council and has satisfied all other provisions of this section.

- ~~1. Temporary License. The clerk shall issue a temporary taxicab operator's license if the applicant has been approved by the police department or the common council, and has satisfied all other provisions of this section except for the completion of an approved hospitality training course within the last twelve (12) months. A temporary operator's license shall expire upon ninety (90) days after the date of issuance or upon issuance of a permanent operator's license. Only one temporary operator's license may be issued within a twelve (12) month period.~~
- ~~2. Permanent License. The clerk shall issue a permanent taxicab operator's license if the applicant has been approved by the police department or the common council, has completed an approved hospitality training course within the last twelve (12) months, and has satisfied all other provisions of this section.~~

(5) TAXICAB PUBLIC VEHICLE REGULATIONS. The owner and operator of a ~~taxicab~~ public vehicle are both responsible for ensuring compliance with this subsection.

(a) Maintenance. No person may operate a vehicle registered under this paragraph unless the vehicle complies with all the conditions necessary to become a licensed ~~taxicab~~ public vehicle at the time it is in operation.

(b) Receipts. Upon a customer's demand, the operator of a ~~taxicab~~ public vehicle shall provide a receipt at the time of payment in legible type or writing containing the firm name, operator's name and number, any items for which the charge is made, the total amount paid, and the date of payment. The receipt may be provided in electronic form if payment is made by electronic means.

(c) Rates. ~~Taxicabs~~ Public vehicles may charge for service at a rate per unit of time, a rate per unit of distance, a flat rate per ride, or by using a taximeter.

1. Report to Clerk. The owner or operator of a ~~taxicab~~ public vehicle shall at all times maintain a schedule of rates on file with the city clerk and may not charge any rate higher than the rate on file with the city clerk
 2. Taximeters. A ~~taxicab~~ public vehicle may use a taximeter to determine the cost of service, subject to the following regulations:
 - a. No person shall use or permit to be used upon any ~~taxicab~~ public vehicle a taximeter which is in error more than 4% in efficiency and more than 1% in excess interval under test.
 - b. After sundown, the face of the taximeter shall be illuminated by suitable light so arranged as to be readily discernible to the passengers.
 - c. The case of the taximeter shall be sealed and have its cover gear intact.
 - d. Upon complaint to the Clerk's Office, the taximeter subject to complaint shall be inspected by the inspection department.
- (d) Operator ID Display. No person may operate a ~~taxicab~~ public vehicle unless the person who is licensed to operate it is displaying his or her operator's license.
- (6) LICENSE SUSPENSION OR REVOCATION. Any person may file a complaint with the city clerk alleging a licensee has violated any provision of this Code or state law that substantially relates to the licensed activity. ~~The common council may require the complainant to post surety of up to \$500 fine the complainant of up to \$500.~~ If the common council determines that the complaint is true, it shall revoke the license or suspend the licensee's license for not less than ten (10) and not more than ninety (90) days. If the common council determines the complaint to be unsubstantiated, it shall dismiss the complaint ~~and return any surety fine posted by the complainant.~~ If the common council determines the complaint is false and the complainant acted in bad faith, it shall dismiss the complaint ~~and award the complainant's surety fine to the licensee.~~ Chapter 68, Wis. Stats., shall not apply to ~~taxicab~~ public vehicle licensing decisions.

SECTION 2. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this 6th day of October, 2015.

APPROVED:

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Scannell to adopt the ordinance.
Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Zima, Steuer, Danzinger. Noes: None. Motion carried.

MISCELLANEOUS ORDINANCE NO. 3-15

AN ORDINANCE ADOPTING AN AMENDMENT TO THE SMART GROWTH 2022 COMPREHENSIVE PLAN OF THE CITY OF GREEN BAY PERTAINING TO PROPERTY GENERALLY LOCATED IN THE 1500 BLOCKS OF EAST MASON STREET AND KIMBALL STREET, AS WELL AS THE 500 BLOCK OF JOHN STREET (CPA 15-03)

WHEREAS, pursuant to §§62.23(2) and (3), Wis. Stats., the City of Green Bay is authorized to prepare, adopt, and amend a comprehensive plan as defined in §66.1001(4)(a), Wis. Stats.; and

WHEREAS, the Common Council of the City of Green Bay has adopted written procedures (known as the Public Participation Plan for Periodic Comprehensive Plan Amendments) designed to foster public participation in every stage of the preparation of periodic comprehensive plan amendments required by §66.1001(4)(a), Wis. Stats.; and

WHEREAS, the Plan Commission of the City of Green Bay, by a majority vote of the entire Commission recorded in its official minutes, has adopted a resolution recommending the Common Council adopt Comprehensive Plan Amendment CPA 15-03; and

WHEREAS, the City of Green Bay has held at least one public hearing on this ordinance in compliance with the requirements of §66.1001(4)(d), Wis. Stats. It is the Common Council's belief that this comprehensive plan amendment is necessary and consistent with the overall goals, policies, and other related elements of the plan.

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. The Common Council has adopted the Smart Growth 2022 Comprehensive Plan for the purpose of guiding future land-use decision making, but recognizes that from time to time amendments may be necessary to reflect changes in the land use and planning needs of the community.

SECTION 2. The Common Council does hereby enact this ordinance to formally adopt Comprehensive Plan Amendment CPA 15-03 pursuant to §66.1001(4)(c), Wis. Stats. A copy of the comprehensive plan amendment is attached to this ordinance.

SECTION 3. This ordinance shall take effect upon passage by a majority of the members-elect of the Common Council and publication as required by law.

Dated at Green Bay, Wisconsin, this 6th day of October, 2015.

APPROVED:

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
Clerk

Moved by Ald. Scannell, seconded by Ald. Nennig to adopt the ordinance.

Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Zima, Steuer, Danzinger. Noes: None. Motion carried.

Moved by Ald. Zima, seconded by Ald. Wiezbiskie to adjourn at 7:34 P.M. Motion carried.

Kris A. Teske
Green Bay City Clerk